

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEWAND T. THREATT,

Defendant-Appellant.

UNPUBLISHED
November 4, 1997

No. 196433
Recorder's Court
LC No. 95-011366

Before: Holbrook, Jr., P.J., and Michael J. Kelly and Gribbs, JJ.

MEMORANDUM.

Defendant was convicted by a jury of possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), and assault with intent to commit great bodily harm, MCL 750.84; MSA 28.279. He was sentenced to serve consecutive prison terms of two years and four to ten years, respectively. Defendant's appeal by right is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first contends that his sentence is invalid because the trial court based the sentence upon local sentencing policies and otherwise failed to properly individualize it. *People v Whalen*, 412 Mich 166, 169-170; 312 NW2d 638 (1981); *People v Chapa*, 407 Mich 309; 284 NW2d 340 (1979). In sentencing defendant, the trial court remarked on the rash of senseless youth violence with which it was intimately familiar, and that defendant's actions were part of this pattern which was wreaking death and destruction on the youth of the City of Detroit. These remarks reflect that defendant's sentence was properly individualized. *People v Catanzarite*, 211 Mich App 573, 583-584; 536 NW2d 570 (1995).

Defendant's remaining contention is that his four- to ten-year sentence, which is within the guideline range, is disproportionate to the offense and the offender. Albeit that the sentence reflects the maximum of the guideline range, it is presumptively proportionate. *People v Vettese*, 195 Mich App 235, 247; 49 NW2d 514 (1992). The circumstances of the offense were that defendant, who was uninvolved in a fist fight between two boys, introduced deadly force into the confrontation, in defense neither of himself nor any of the participants. Although the victim sought to flee, defendant shot him in

the back four times. Defendant had a juvenile adjudication for an assaultive offense as well. To the extent defendant's pursuit of a high school equivalency diploma and employment for a relative were mitigating factors, they pale by comparison to the egregiousness of his conduct. No abuse of the trial court's sentencing discretion is established on this record. *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly

/s/ Roman S. Gibbs